

ASSEMBLY BILL

No. 265

Introduced by Assembly Member Gatto

February 7, 2013

An act to add Section 831.7.5 to the Government Code, relating to local government liability.

LEGISLATIVE COUNSEL'S DIGEST

AB 265, as introduced, Gatto. Local government liability: dog parks.

Existing law governs the tort liability and immunity of, and claims and actions against, a public entity, including a city, county, and city and county. Existing law makes the owner of any dog civilly liable for the damages suffered by any person who is bitten by the dog while in a public place or lawfully in a private place, as specified, regardless of the former viciousness of the dog or the owner's knowledge of such viciousness.

This bill would provide that a city, county, or city and county that owns or operates a dog park with specified signage is immune from civil liability for damages suffered by any person or dog who is bitten by a dog or suffers any other dog-inflicted injury while in the dog park.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 831.7.5 is added to the Government Code,
- 2 to read:
- 3 831.7.5. (a) A city, county, or city and county that owns or
- 4 operates a dog park with signage stating that dog owners use the

- 1 dog park at their own risk shall be immune from civil liability for
- 2 damages suffered by any person or dog who is bitten by a dog or
- 3 suffers any other dog-inflicted injury while in the dog park.
- 4 (b) Nothing in this section shall be construed to affect the
- 5 liability of a city, county, or city and county for negligence
- 6 resulting from the failure of the city, county, or city and county to
- 7 maintain a dog park that it owns or operates.